

Judge James L. Robart

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRIAN KEVIN RUBENAKER,

Defendant.

NO. CR05-0211JLR

(PROPOSED)
ORDER TO CONTINUE
TRIAL

The Court having reviewed the records and files herein including the stipulated motion to continue the pretrial motions cutoff date and trial date makes the following findings and enters the following Order:

1. Initial plea negotiations began on June 28, 2005. The first proffer session took place on July 8, 2005. This proffer was the first of several steps necessary to evaluate the cooperation offered by defendant. Therefore, additional time is necessary for the government and defendant to meet and confer regarding a pretrial resolution.

2. Due to defense counsel's trial schedule, defendant requires additional time to consider and file any pretrial motions.

3. Absent a plea agreement in this case, the parties require additional time to fully prepare for trial.

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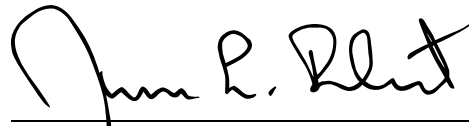
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1 4. The ends of justice outweigh the best interest of the public and the
2 defendant in a speedy trial. That failure to grant a continuance based upon the parties'
3 need to prepare the matter for trial and to ensure that defense counsel is available for trial
4 would result in a miscarriage of justice.

5 5. The government and defendant have requested and stipulated to a
6 continuance and the defendant has waived speedy trial up to January 10, 2006.

7 IT IS HEREBY ORDERED that the trial date is continued from October 24, 2005,
8 until January 10, 2006.

9 DONE this 24th day of October, 2005.

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12 JAMES L. ROBART
13 United States District Judge

14 Presented by:

15 s/David Reese Jennings
16 DAVID REESE JENNINGS
17 Assistant United States Attorney
18 WSBA #91005
19 1201 Pacific Avenue, Suite 700
Tacoma, Washington 98402
Telephone: (253) 428-3800
Facsimile: (253) 428-3826
E-mail: David.Jennings@usdoj.gov

20 s/Anthony Savage Jr., per fax authorization 10/20/05
21 ANTHONY SAVAGE, JR.
22 Attorney for Defendant
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